

REMARKS

In response to the Office Action dated May 12, 2011, claims 66, 73, 83 and 85 have been amended, and claim 80 has been canceled. Claims 66-79 and 81-85 are now pending in the application.

In paragraph 4 on page 2 of the Office Action, claim 80 was rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention

Applicant respectfully traverses the rejection, but in the interest of expediting prosecution has canceled claim 80.

In paragraph 6 on page 3 of the Office Action, claims 66, 70, 73, 77, 81-83 and 85 were rejected under § 102(e) as being anticipated by Bowen.

In paragraph 8 on page 5 of the Office Action, claims 67-69, 71, 72, 74-76, 78, 79 and 84 were rejected under § 103(b) as being unpatentable over Bowen in view of Hoarty.

Applicant respectfully traverses the rejections, but in the interest of expediting prosecution has amended claims.

Independent claim 66 set forth an upgrade interface configured for coupling to an expansion card interface of a set top terminal for communicating with the set top terminal and providing data to the set top terminal and a hardware upgrade microprocessor, coupled to the upgrade interface, the hardware upgrade microprocessor configured for communicating with the set top terminal through the upgrade interface, wherein the hardware upgrade microprocessor provides enhanced functions to the set top terminal

through communication with the set top terminal using the upgrade interface according to interactive input received from a subscriber, the hardware upgrade microprocessor configured to communicate with a headend to receive upgrade data to provide the enhanced functions in response to the interactive input received from the subscriber.

In contrast, Bowen merely describes a subscriber terminal has a memory control bus including an expansion connector. A secure microprocessor and secure microprocessor bus (SMB) regulate the secure transactions of the subscriber terminal. An expansion card plugs into the external connector and can contain numerous combinations of external memory. The secure microprocessor receives a download program code parameters transaction from the headend and downloads new program code from the download program code transaction into the expansion card.

However, Bowen fails to disclose, teach or suggest providing enhanced functions to the set top terminal through communication with the set top terminal using the upgrade interface according to interactive input received from a subscriber. Bowen does not mention receiving interactive input from the subscriber to provide enhanced functions.

Bowen also fails to disclose, teach or suggest that the hardware upgrade microprocessor is configured to communicate with a headend to receive upgrade data to provide the enhanced functions in response to the interactive input received from the subscriber. Bowen merely describes new program code being downloaded and provided to an expansion card.

Thus, Bowen fails to disclose, teach or suggest the invention as defined in independent claims 66, 73, 83 and 85, as amended.

Hoarty fails to overcome the deficiencies of Bowen. Hoarty is merely cited as disclosing a modem device being provided in an expansion card. However, Hoarty also fails to disclose, teach or suggest providing enhanced functions to the set top terminal through communication with the set top terminal using the upgrade interface according to interactive input received from a subscriber. Hoarty does not mention receiving interactive input from the subscriber to provide enhanced functions.

Hoarty further fails to disclose, teach or suggest that the hardware upgrade microprocessor is configured to communicate with a headend to receive upgrade data to provide the enhanced functions in response to the interactive input received from the subscriber. Hoarty merely describes a modem being provided in an expansion card.

Thus, Bowen and Hoarty, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 66, 73, 83 and 85, as amended.

Dependent claims 67-72, 74-79, 81-82 and 84 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claims 66, 73 and 83, respectively. Further dependent claims 67-72, 74-79, 81-82 and 84 recite additional novel elements and limitations. Applicant reserves the right to argue independently the patentability of these additional novel aspects. Therefore, Applicant respectfully submits that dependent claims 67-72, 74-79, 81-82 and 84 are patentable over the cited references.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

Merchant & Gould
P.O. Box 2903
Minneapolis, MN 55402-0903
(865) 380-5976



By: _____

A handwritten signature in dark ink, appearing to read "David W. Lynch", written over a horizontal line.

Name: David W. Lynch

Reg. No.: 36,204